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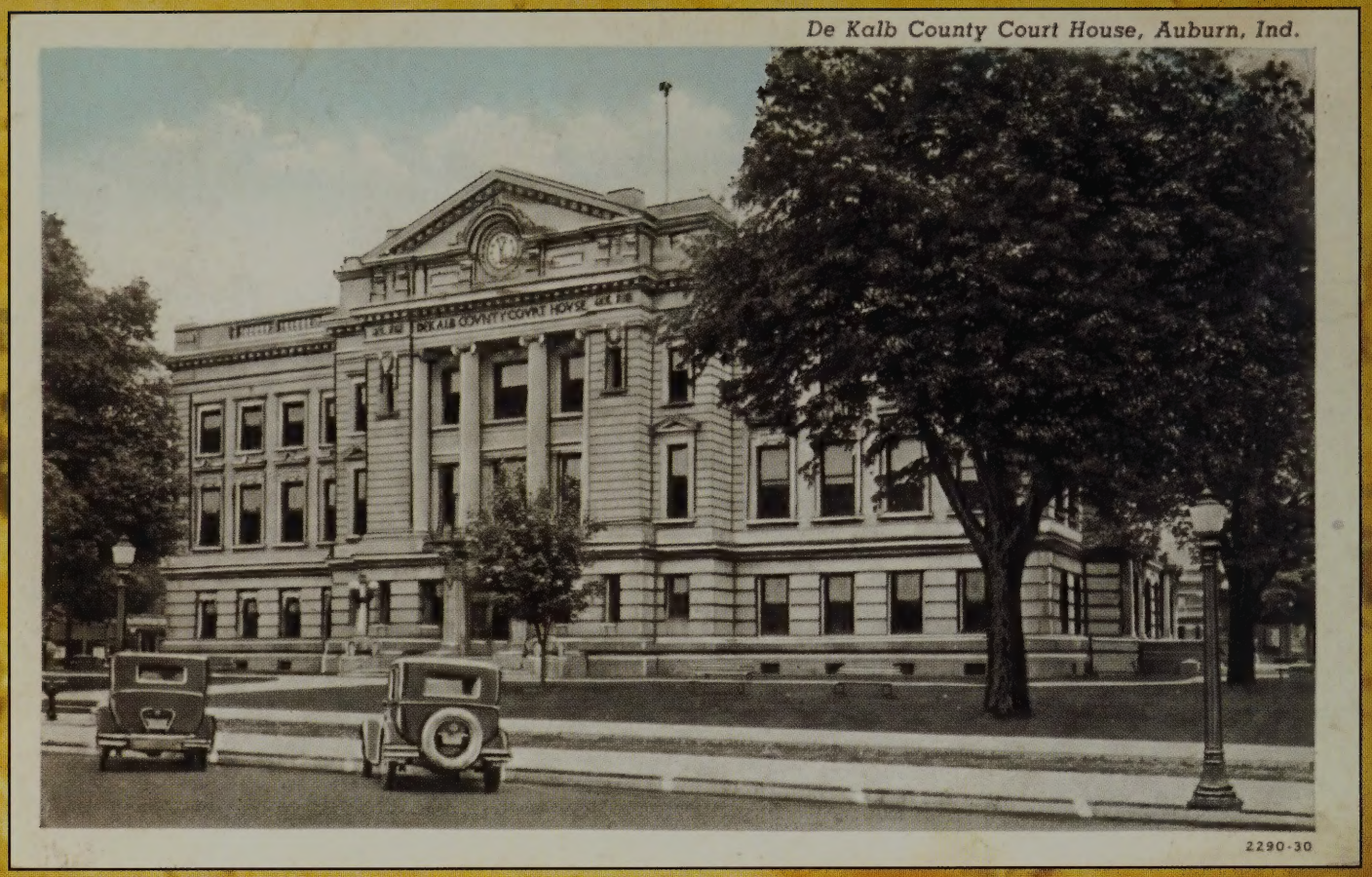
HISTORICAL GUIDE
TO
DEKALB COUNTY COURTHOUSES
AND
DEKALB COUNTY GOVERNMENT

BY

JOHN MARTIN SMITH

DEKALB COUNTY HISTORIAN



DeKalb County Courthouse c. 1935. (John Martin Smith Collection)

Courthouse Maintenance Crew - Jeanne Stephens, Clint Stephens, Larry Lane and Cory Warner.

(Judy Pepple photograph)

HISTORICAL GUIDE

TO

DEKALB COUNTY COURTHOUSES

AND

DEKALB COUNTY GOVERNMENT

PUBLISHED
BY
DEKALB COUNTY COMMISSIONERS

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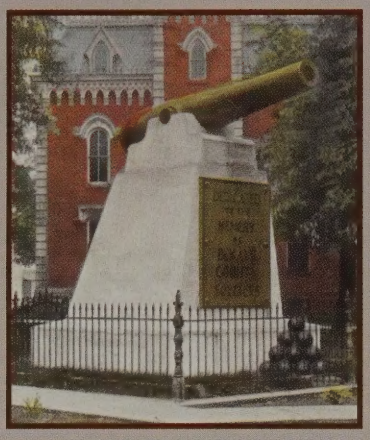
THE DEKKO FOUNDATION

BY
JOHN MARTIN SMITH
DEKALB COUNTY HISTORIAN

THE CANNON



The cannon sits majestically on the southeast corner of the square in Auburn. Where did it come from?

In 1909 the federal government offered a number of old cannons to local communities providing that they paid the freight from the federal arsenal at Watertown, Massachusetts. The cannon was offered to Angola first, but when they learned the cost of the freight they rejected it. Prominent Auburn citizens heard of the rejection and decided to see if they could claim it. They were successful.

A monument committee was formed. W. H. McIntyre donated $50 and Frank Eckhart sent $25 from California. School children donated $11. The cannon was shipped from Watertown on March 10, 1909 and arrived at Auburn on the Vandalia Railroad eight days later.

The monument was quickly erected and was dedicated on Memorial Day March 30, 1909, with ceremonies conducted by the GAR Veterans of the Spanish-American War, and the Women's Relief Corps.

Originally there was a cast iron fence around the monument and a pile of cannon balls in front of it. At some point these were removed. When the brick courthouse was demolished, the stone lions which had stood vigil on either side of its west door were moved to either side of the cannon.

In 1985 the monument was refurbished by the DeKalb County Commissioners. A new iron fence was erected and a brick sidewalk was built around it.

THE LINCOLN CONNECTION

Robert W. McBride of Auburn served as Judge of the 35th Judicial Circuit which included DeKalb, Noble, and Steuben Counties.

Judge McBride had served in the 7th Ohio Independent Calvary Squadron and became a mounted bodyguard for President Abraham Lincoln. He accompanied the President when he traveled from place to place on horseback. One night McBride was with the President when a shot was taken at him and went through his stovepipe hat!

Judge McBride later became an Associate Judge of the Indiana Supreme Court. Shortly before his death on May 15, 1926, Judge McBride published "Personal Recollections of Abraham Lincoln" in which he told of almost daily contact with President Lincoln during the last sixteen months of the Civil War.

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Cover Background is photograph of scagliola from ground floor column.

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INTRODUCTION

The DeKalb County Courthouse and the governmental functions which it houses are the first and closest contacts that local citizens have with their government and its functions. The understanding of local government is essential to the understanding of all government. The study of county government and its functions is satisfying in that citizens can have personal contact with it. They can go to the courthouse; they can become personally acquainted with public officials; and they can observe their government in action.

The DeKalb County Courthouse is significant as a building. The circumstances and details of its construction, as well as the buildings which preceded it, have become obscure. What was located on the square before the present courthouse was built? Has the public square always been the public square? Why was such a magnificent building built in 1911? Questions such as these are frequently asked by the many persons who annually tour the DeKalb County Courthouse. This book will answer some of these questions and give interested persons a comprehensive overview of the history and function of DeKalb County as a governmental entity.

The publication of a Historical Guide to DeKalb County Courthouses and DeKalb County Government has been authorized and financially supported by the DeKalb County Council and DeKalb County Commissioners, who are to be commended for their interest in local history and for the fine manner in which the DeKalb County Courthouse is maintained. This book, which was first published in 1983, and reprinted in 1991, is revised now to reflect changes in officials and building usage, to include the 2001 restoration of the DeKalb Circuit Courtroom, and to include color photographs.

The author is indebted to Marsh Davis, of Historic Landmarks Foundation of Indiana, for the wonderful color photographs which were taken with an "architectural camera." Other photographs have been taken by Craig Berndt and Judy Pepple. Thanks is also given to Custodian, Clinton Stephens; Clerk, Jacqueline Rowan; Auditor, Sharon Hayes; Recorder, Burtie Rynearson; Commissioners Connie Miles, Don Kaufman, and William Ort; and the DeKalb County Council for their assistance.

John Martin Smith
DeKalb County Historian
July, 2005

1. GOVERNMENTAL JURISDICTION OVER WHAT IS NOW DEKALB COUNTY

The geographical area we now know as DeKalb County was under the jurisdiction of many units of government until DeKalb County was formed as a separate county with its own jurisdiction on May 1, 1837. The French first occupied the area about 1669. Their domination continued until the close of the French and Indian Wars in 1763 when the British gained control. General George Rogers Clark, under the direction of Governor Patrick Henry of Virginia, defeated the British at Vincennes on February 25, 1779 and acquired the whole Northwest Territory for the American cause.

From that time, the area was under the governmental jurisdiction of the Commonwealth of Virginia, the Northwest Territory, the Indiana Territory, the State of Indiana, and then a succession of Indiana counties. The area now comprising DeKalb County was not always geographically part of these counties, but was sometimes merely assigned to them for civil and criminal legal jurisdictional purposes.

The seats of government ranged from Williamsburg, Virginia to Auburn, Indiana, with such historic places as Detroit, Michigan and Vincennes, Corydon, and Fort Wayne, Indiana, in between.

Here follows a chronological chart showing the governmental jurisdiction over what is now DeKalb County:

December 12, 1778	Illinois County, Commonwealth of Virginia Seat of government: Williamsburg and Richmond (after 1780)
...to *January 5, 1782*	None, after expiration of Act creating Illinois County.
...to *July 13, 1787*	Northwest Territory. Capital not designated but Governor and Judges met once in Marietta (Ohio), once in Vincennes (Indiana), and six times in Cincinnati (Ohio) each year.
...to *June 20, 1790*	Knox County, Northwest Territory. Seat of government: Vincennes.
...to *August 15, 1796*	Wayne County, Northwest Territory. Seat of government: Detroit
...to *May 7, 1800*	Knox County, Indiana Territory. Seat of government: Vincennes.
...to *December 11, 1816*	Unorganized Territory, State of Indiana. Seat of government: Corydon
...to *December 23, 1820*	Randolph County. Seat of government: Winchester.
...to *April 1, 1824*	Allen County, Seat of government: Fort Wayne.
...to *April 1, 1830*	Elkhart County, (Except south half of south tier of townships, which remained attached to Allen County). Seat of government: Goshen
...to *April 1, 1832*	LaGrange County. Seat of government: Mongoquinong,which was changed to Lima, now Howe.
...to *February 7, 1835*	DeKalb County (authorized). Seat of government: Lima, now Howe.
...to *May 1, 1837*	DeKalb County, Seat of government: Auburn.

Government jurisdiction over the area was limited by the practical fact that Indians held title to the geographical area until relinquished by the Pottawatomies pursuant to the Treaty of Carey Mission (near Niles, Michigan) in 1828. Until that time there were few non-Indian persons in the area. The first settlement occurred in 1833. The last Indians were removed in 1840.

2. FORMATION OF DeKALB COUNTY

Map of Indiana, c. 1837. What is now DeKalb County is shown as Pottawatomi Indian land. The area was attached to Allen and LaGrange Counties for jurisdictional purposes. **(John Martin Smith Collection)**

DeKalb County was authorized as a separate county by an Act of the Indiana General Assembly which was passed February 7, 1835. At the same time the formation of Adams, Kosciusko, Marshall, Noble, Steuben, Wells, and Whitley Counties was authorized.

The geographical area included within DeKalb County was described as follows:

> Beginning at the southwest corner of township thirty-three north of range twelve east, thence east with the line of Allen County to the line of the State of Ohio, thence north with said line eighteen miles, thence west with the line dividing townships thirty-five and thirty-six to the line dividing ranges eleven and twelve east, thence south with said range line eighteen miles to the line dividing ranges eleven and twelve east, then south with said range line eighteen miles to the place of beginning.

The county is eighteen miles north and south by twenty and one-half miles east and west. It contains 11,520 acres of land. Generally, the size of counties was determined by the distance a person could travel and return in one day on horseback, so settlers would be no more than one-half day away from the seat of county government. Originally there were nine full townships and three half-townships.

Baron DeKalb, for whom DeKalb County was named.
(John Martin Smith Collection)

DeKalb County was named in honor of Baron DeKalb, a Revolutionary War hero. He was a German Noble who joined the American Army and was commissioned a general. He died at the Battle of Camden, fought near Sanders Creek, North Carolina, on August 6, 1780.

DeKalb County and the other northeastern counties were to remain only "paper counties" for two years, however. During this time, DeKalb County continued to be attached to LaGrange County for civil and criminal jurisdictional purposes.

By an Act passed January 14, 1837, and effective May 1, 1837, DeKalb County was granted independent jurisdiction and became a full-fledged county. The population at that time was about one thousand persons.

The first election was held in early July of 1837, and Peter Fair, Samuel Widney, and Wesley Park were selected as commissioners. They held their first meeting at the cabin of Wesley Park in Auburn on July 25, 1837.

Competition as to the site of the county seat soon developed. Messrs. Rogers and Hamilton acquired land in the geographical center of the new county and platted the town of Centerville. Wesley Park and Judge John Badlam Howe of LaGrange County platted the town of Auburn on the banks of Cedar Creek. Their town was two miles south and three miles west of the geographical center of the county.

Edward Littlefield of LaGrange County, Cornelius Gilmore of Steuben County, Samuel Dibble of Elkhart County, James Latta of Noble County and Robert Work of Allen County had been appointed commissioners to select the new county seat. They, of course, chose Auburn. Centerville was never developed and remains farm land.

During the spring of 1835, Park and Howe had platted the "Village of Auburn." The plat included a public square and stated, "The Public Square is 20 rods in length by 17 in breadth...The Public Square...(is) donated to public use." The square obviously encouraged the selection of Auburn as the county seat, as did the gift of certain lots to the county to be sold and the proceeds used to establish a county library. A county library was never established, and the proceeds from the sale of the lots was apparently allocated to the building of the first permanent courthouse.

3. TEMPORARY COURTHOUSES

Three temporary courthouses preceded the building of the first permanent courthouse in 1843. The first was the cabin of Wesley Park; the second was an early schoolhouse on North Main Street; and the third was the house located at 311 South Main Street which was built for Wesley Park after his cabin burned in 1840.

Wesley Park and Judge John Badlam Howe had entered the land which is the present site of Auburn on March 23, 1836 at the government land office in Fort Wayne. This was after the formation of DeKalb County was authorized but before it was granted jurisdiction.

In August 1836, Park erected a cabin on Cedar Creek north of the present business district. It was eighteen by twenty feet and one and one-half stories high. Its exterior walls were made of logs. Initially, the cabin served the DeKalb County pioneers as a store, hotel, and church.

After the new county was granted governmental jurisdiction, Wesley Park's cabin became the first DeKalb

Brick house built by Wesley Park at 311 South Main Street was temporarily used for DeKalb County governmental functions, c. 1843-1844.
(John Martin Smith Collection)

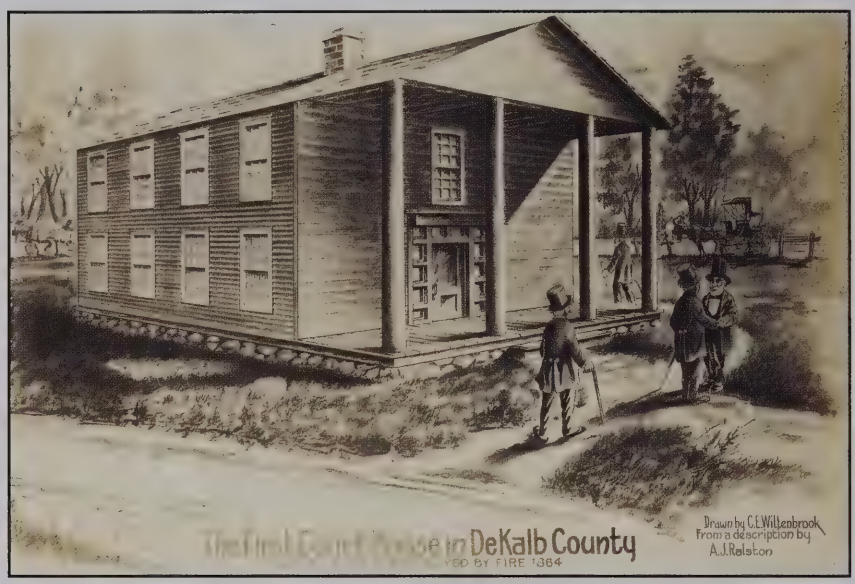
County Courthouse and Jail. As a jail, the cabin served well. Prisoners were simply put up into the loft and the ladder removed. The first story was used for a courtroom.

As sheriff, first appointed and afterward elected, Wesley Park told an interesting incident about one of the county's first judges. It seems that the judge became drunk during a court session, sentenced one Joseph Bashford to receive a whipping, and swore that, since he was in court and sentenced had been passed, he should personally inflict the penalty. As the judge approached the defendant with the avowed intention, Sheriff Park seized him, gave him a whirl, and plainly told him that, if the court persisted in inflicting the penalty, the sheriff would "put the court up the ladder," whereupon the court acknowledged the authority of the sheriff and adjourned peaceably.

After the Park cabin burned in 1840, a room in a schoolhouse on North Main Street, was made into a courtroom. The fittings were crude – a rough board platform, a fence of un-planed boards for a bar, and an old cracked box stove which, when used, smoked so much that judges, jurors, and lawyers were often moved to tears. Both the May and October 1843 terms of court were held in this building. Court and other governmental functions were also held in the new brick house which Wesley Park had built at 311 South Main Street.

4. FRAME COURTHOUSE BUILT IN 1843

The infant county's officials began making plans for a permanent courthouse at an early date. At the May 1840 session of the Commissioners' Court Thomas J. Freeman, Wesley Park, and Nelson Payne were appointed superintendents for the construction of such a building. It was to be located on the public square with dimensions of:



Frame courthouse built in 1843. DeKalb County's first permanent courthouse. The original rendering was drawn by C.E. Wittenbrook from a description provided by A.H. Ralston. The original hangs in the East stairwell of the courthouse. **(John Martin Smith Collection)**

"...thirty feet north and south and forty feet east and west, six feet of which shall be portico, four feet to stairs and wood rooms, leaving courthouse thirty feet long. Two front doors and an alley from each to circle fronting the judge's bench which was to be elevated a few feet above the floor. The clerk's seat and table to be in front of the bench. The criminal's box also to be in front of the bench. The rooms to be lighted by eleven twenty-four light windows above and below. The front of the portico to be supported by four turned pillars fifteen inches in diameter...."

Funds for the erection of the Courthouse were to be obtained through the sale of lots belonging to the county, other than those set aside for the financing of the jail and for other reasons.

At an 1841 Commissioners' Court session the specific plans were received, approved, and bids requested. Work was to begin by July 1, 1842. James Hite, a carpenter living southeast of Auburn, received the contract for the sum of eight hundred dollars. Lyman Chidsey assisted him in framing the building. The project apparently progressed slowly, as Judge Mott reported that when he first came to DeKalb County in 1843 the public square around the courthouse was partially logged, but not burned off, and the frame of the courthouse was up, but not enclosed. The building was completed in the fall of 1843, however, and on April 29, 1844, the first court session was held in the new structure.

The county's first permanent courthouse was most attractive from an architectural standpoint and must have been the pride of the citizenry. It undoubtedly made a substantial contribution to the rapid development of the county during the next decade.

It soon became apparent that the courthouse was inadequate in size to meet the needs of a fast growing county. In 1845, S.W. Sprott, who served as clerk and recorder from 1841 to 1851, was authorized to erect a building for his use on the southwest corner of the public square at a cost not to exceed two hundred dollars, to which an additional fifty dollars was later added. In the fall of 1846 a separate office building was constructed on the northwest corner of the public square for the use of the auditor. In 1847 John Morris was permitted to erect a private law office on the west side of the public square, and was required to pay one dollar annual rent. It is believed that the jail was also located on the public square during this era. These "shanties" remained in use until 1864. They were then moved to Jackson Street directly west of the court square and combined to make a residence.

By the spring of 1863 measures had been taken for the erection of a new courthouse, and the old building was moved

approximately forty feet north of its original location to make room for its successor. The last court session held in the old structure was during the spring term of 1864.

In September 1864, the old building was sold to Daniel Altenburg for the sum of twenty-five dollars. He partially dismantled it and removed everything of value. This was near the end of the Civil War, and when news reached Auburn that Richmond, the capital of the waning Confederacy, had been captured by the Union Army, a huge crowd of local citizens congregated around the square for a public celebration. It was suggested that a bonfire would be appropriate, to which Mr. Altenburg replied, "If you want to make a bonfire, you may burn the old courthouse." He was soon taken to his word, and the old building, for years the scene of local justice, found a glorious end in the blazing flames of a national celebration.

View of buildings on the north side of the square. The fence surrounding the square is shown in the foreground. The places of business include Exceliar Hardware, Auburn Art Gallery, Watches and Jewelry, Printing office, and Odd Fellows Building. (John Martin Smith collection)

5. BRICK COURTHOUSE BUILT IN 1864

After only twenty years the frame courthouse and adjacent shanties had become inadequate for the fast growing county. The handsome little building did not contain the space needed for county offices. The extra offices around the square were small, unsightly, and inefficient. The population of DeKalb County had grown from about 3,000 in 1840 to 13,880 in 1860. This was a prosperous time. A new courthouse was in order.

The plans and specifications for the new courthouse were approved by the board of commissioners on April 20, 1863, and the contract was let on June 4, 1863. It was awarded to Alpheus Wheelock, John McKay, and William Valleau for the sum of $23,372.

Brick used in the building was manufactured locally at the Woodbury Farm located three-quarters of a mile east of Auburn. Within one month the foundation pits had been excavated and stone for the walls delivered to the square. The foundation was completed by September 10, 1863, and the cornerstone was laid on the northeast corner of the foundation walls with appropriate ceremonies. On July 1, 1863, a bell weighing six hundred pounds and cast at the Buckeye Bell Foundry, Cincinnati, Ohio, was brought by train to Waterloo and thence by team to Auburn.

The cornerstone of the 1863 courthouse was preserved and is located on the north side of the east steps of the present courthouse. It was laid by Masonic Lodge members. It reads: "CORNER STONE - LAID SEPT 10, A.D. 1863 - A.L. 5863 - DEKALB LODGE No. 2 A.E. & A.M. - J.H. FORD, W.M." *Note: A.L. 5863 - Ancient Craft Masons commenced this era with the creation of the world, calling it "Anno Lucis" (A.L.), literally meaning "in the year of the light." They believed the creation was exactly 4000 years before the birth of Christ, therefore the year 1863 would have been 5863 years after the creation of the world.* (John Martin Smith Collection)

Etching of courthouse and jail from 1880 Atlas of DeKalb County. The handsome brick structure was built in 1864 and the jail was built in 1875. The sheriff's residence was in the front and the cell blocks were at the rear. There was a public toilet behind the jail on Cedar Street. (John Martin Smith Collection)

1863 Courthouse under construction. Note the two men standing on top of the tower. (John Martin Smith Collection)

1864 Courthouse from a postcard dated 1910. Main Street is in the foreground and is dirt. A board sidewalk surrounds the square. A fire hydrant can be seen. (John Martin Smith Collection)

The Soldier's Monument on the Southwest corner of the square. The monument predates the present courthouse and was erected in 1909. It was surrounded by an iron fence. Cannon balls were welded together in a pyramid. (John Martin Smith Collection)

1864 Courthouse from a postcard dated 1908. The tower housed a large bell. The Bandstand is on the left. A c. 1907 Auburn Automobile is on the right. (John Martin Smith Collection)

The new courthouse was ready for occupancy before the December 1, 1864, contract completion date. The surplus brick was used to construct a large brick house at the northeast corner of Tenth and Main Streets (310 South Main Street), which at that time was known as the "John Henry Property."

The first floor of the courthouse building was divided into four offices, each twenty-one by twenty-four feet. The entrance was via a hallway extending east and west through the building with large double doors of iron and wood at each end. The windows were secured by inside iron shutters, and each office was provided with fireproof iron door vaults. The courtroom was on the second floor and originally measured sixty-four by sixty feet, with grand and petit jury rooms on the west end. The roof was of Vermont slate laid on wood lath. At the west and front end there was an octagonal tower twenty-two feet in diameter and eighty feet high. From the second story a spiral staircase led to a balcony which commanded a bird's-eye view of the Town of Auburn and surrounding area. Politicians and orators addressed large crowds from this venue. It was also used by bands for outdoor concerts. From the summit of the dome extended a flagstaff which supported a copper eagle at an elevation of 115 feet.

This courthouse was to serve the county well for many years. The large courtroom was used extensively for conventions and other gatherings. Old settlers looked forward to court sessions, which gave them an excuse to congre-

The "Courthouse Bunch" c. 1894. From left to right: Neil Platter, George Henderson, Bill Sherlock, Cal Vanochen, Dan Link, Terry Fair, Sam Kennedy, Frank Borst, David Fair, Nettie Einest, George Ralston, Judge James E. Rose, John Crummans, Charles E. Brown, Charles Dills, unknown, Sheriff H.P. Stroh, Phil Gibson, and Thomas R. Marshall, who would later become Governor of Indiana and Vice President of the United States. From Columbia City, Thomas R. Marshall frequently practiced law in DeKalb County. He likely traveled to Auburn on the Vandalia Railroad.

(John Martin Smith Collection)

Auburn and Zimmerman Automobiles on East side of the square. C. 1910. The Interurban tracks ran down the middle of Cedar Street. There is brick at the edge and between the tracks, and the balance of the streets are dirt. The power plant chimney is east of the courthouse. It generated steam to heat the courthouse and jail.

(Auburn Cord Duesenberg Museum Collection)

Women's Christian Temperance Union (WCTU) Fountain on the northwest corner of the square. The bandstand is to the right. The gentleman on the right is W.H. McIntosh drinking from a tin cup at the public drinking fountain. The 1864 courthouse is at the left background and the 1874 jail is at the right background.

(John Martin Smith Collection)

gate, talk over early days, exchange opinions on issues of the day, listen to evidence, and enjoy the eloquence of arguments by attorneys or other interested parties. On July 4, 1865, a Liberty Pole 160 feet high was raised in honor of returning Civil War Veterans. A large flag flew from this Liberty Pole for many years. When natural gas was discovered in Auburn, the courthouse tower sported a large open flame that burned continuously.

As had its predecessors, this courthouse eventually became inadequate to serve the needs of an ever-growing county and its government. Demolition of the structure was a spectacular event. Strategically placed charges of dynamite quickly removed the tower, which had been a DeKalb County landmark for almost half a century.

6. ANOTHER TEMPORARY COURTHOUSE AND THE GREAT FIRE OF 1913

After the demolition of the brick courthouse and before the completion of the present stone courthouse, a temporary courthouse was established in a building between West Eighth and West Ninth Streets along the east side of South Jackson Street.

At that time the W. H. McIntyre Company Automobile Plants One and Two were located along the east side of South Jackson Street. Although extensively modified, the north building still stands and is the location of the present Auburn House Restaurant. The south building was identical and was connected to the north building by bridges extending over West Eight Street at both the second and third story levels.

The south portion of the south building was used as a temporary courthouse. All court offices and records had been moved to the building. It was ideal for the purpose due to its size, central location, and the fact that it had a large walk-in vault for record storage. A crude courtroom was set up in a large storage room.

On the evening of February 8, 1913, this building burned in what was the most disastrous fire DeKalb County has ever known. The alarm was sounded about dusk and the whole town turned out to help fight the fire. The water supply was soon exhausted and little could be done to fight the fire as it spread throughout the three-story building.

Top left: The courthouse was razed but the tower remained! Top right: The 1864 Courthouse Tower was imploded with dynamite. Bottom: Temporary courthouse. The building on the right was used as a temporary courthouse during the construction of the present courthouse. These two buildings were Buildings One and Two of the W.H. Kiblinger (later W.H. McIntyre) Automobile Company. The bridges over Eighth Street at the second and third story levels connected the buildings.

(John Martin Smith Collection)

Firefighters and citizens concentrated on retrieving as much as possible from the burning building. Fortunately, most county records were saved. Most important were the Recorder's records, which affected the title to real estate. The only records lost completely were those of the office of Clerk of the Circuit Court.

The records which were saved were quickly moved to the partially completed courthouse, and temporary offices were established there. Necessity pressed the new building into service before it was completed.

The burned building also housed many other businesses. The McIntyre Automobile Salesroom lost five McIntyre cars, the Double Fabric Tire Company lost most of its assets, and the Auburn Courier lost all but some typewriters and office equipment.

After the Big Fire of February 8, 1913 - While the present courthouse was under construction, the county records were stored in the McIntyre Building located in the block between Eighth and Ninth Streets just east of Jackson Street. This building burned on February 8, 1913. Most of the records of the Clerk of the DeKalb Circuit Court were destroyed in the fire. (John Martin Smith Collection)

7. THE NEW COURTHOUSE

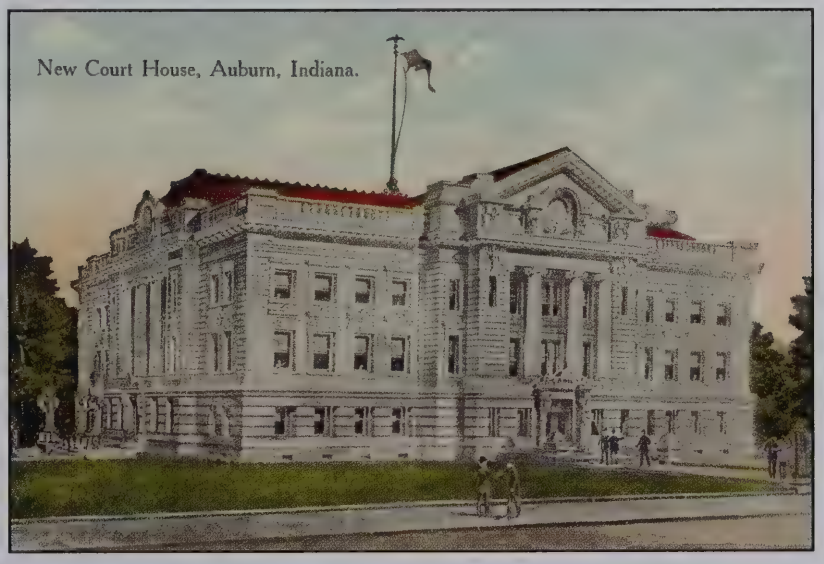
First Stages

DeKalb County citizens and officials had talked about a new courthouse for many years. While the brick courthouse with its octagonal tower was a handsome building, it had become too small for the county's needs, and some feared that it was not a safe place for the deposit of county records.

A new county infirmary was needed also. After considerable discussions, it was concluded that the infirmary should be built first because it could be paid for over a relatively short period of time. Thereafter, the new courthouse could be built. The County Infirmary (now called DeKalb County Farm) was completed in 1908.

DeKalb County continued to grow. The first decade of the century was particularly prosperous and progressive. Electric lights and telephones became available in Auburn. Interurban lines made distant communities conveniently close. The automobile was developing as a means of transportation. There were several automobile manufacturers in Auburn and all were doing well. A new courthouse was a symbol of community progress and a matter of great pride. The desire for a new courthouse intensified, and it soon became apparent that it would be financially possible.

The first organized effort toward building a new courthouse began on Friday, August 13, 1909, when the Auburn Commercial Club (predecessor to the Auburn Chamber of Commerce) called a meeting of its directors "...to discuss ways and means and plans whereby DeKalb County might have a courthouse suitable of the needs of the county, a place where records would be safe from the ravages of fire and in keeping with the wealth of the county."



New Court House - This was the architect's rendering of the proposed courthouse. There are some minor differences between the rendering and the actual building. The eagle and flag are shown on the roof. (John Martin Smith Collection)

This group decided to request the DeKalb County Commissioners to make a requisition for funds to prepare plans and specifications for the new building in time for the DeKalb County Council to act on it at their September meeting. They determined they would have to act quickly in order to get this accomplished, so they formed an "automobile party" that afternoon and drove to the home of their commissioner, Thomas F. Elson, to discuss the matter. Mr. Elson agreed to call a special meeting of the commissioners. The commissioners met on August 16, 1909, and made an appropriation of $1,000.00 of which $200.00 was to be available in 1909 for the inspection of other buildings, and of which $800.00 was to be used for preparing

Officials examining murals in the new courthouse interior.
(John Martin Smith Collection)

plans and specifications. The DeKalb County Council met on September 9, 1909, and appropriated $200.00 to provide for the inspection of other buildings. The County Infirmary had been paid for with a tax levy of 44 cents per $100.00 valuation. The council decided to leave this levy in effect in order to accumulate funds for the new courthouse.

As county officials began serious planning for a new courthouse, Waterloo citizens renewed their prior efforts to move the county seat to their town. On February 25, 1910, the Waterloo Press reported that 50-60 people attended a meeting of the Waterloo Commercial Club the prior Tuesday whereby efforts were initiated for this purpose. Two committees were appointed, one to look into the legalities and the other to raise funds for the effort. H.D. Boozer and W. H. Leas each subscribed $1,000.00. The editor opined that he would not object "...if they keep within the $250,000.00 figure on which the project was first put up to the people." He observed that "Auburn people are enthusiastic for the new courthouse, of course, and they will be different from the common run of mortals if they don't secure just as costly a building as possible."

The commissioners began inspecting courthouses in other counties and were soon ready to express their preferences to architects. They met on February 13, 1910, with several prospective architects. The firm of Mahurin and Mahurin of Fort Wayne was selected on February 15, 1910, and instructed to begin preparing plans in accordance with the preferences of the commissioners.

The prominent firm was a wise choice for the design of the DeKalb County Courthouse. Members of the firm were Marshall S. Mahurin and his nephew Guy M. Mahurin. The former had been orphaned at an early age and thereafter resided in Auburn with a sister. He started with the architectural firm of T.J. Tolan & Son, who designed the Allen County Courthouse. After Mr. Tolan's death, he went into business with a Tolan employee, John F. Wing, and later formed a partnership, Wing and Mahurin, which continued until 1907 when the Mahurin and Mahurin firm was formed.

This firm specialized in public buildings, such as courthouses, jails, schools, and churches. The Mahurins designed the courthouses at Michigan City and Bloomington, Indiana, the Fort Wayne Scottish Rite Cathedral, a Ball residence at Muncie, and many other prominent buildings.

The estimated cost was to be $250,000.00 and requisition in this amount was made by the commissioners in August 1910. An appropriation in a like amount was made by the council at their September meeting. A bond issue of $150,000.00 to be paid over a period of ten years at three and one-half percent interest was also approved. The county had a surplus of $100,000.00 to be applied to the construction cost and was otherwise debt free.

Contractors were invited to bid on the project, and ten bids were received. Bids were opened May 4, 1911, and the bid of J. B. Goodall of Peru, Indiana, in the amount of $185,000.00 for the basic construction was accepted.

Demolition of the old courthouse began on May 8, 1911. Work on the new courthouse progressed rapidly, with as many as fifty men being employed on the project at one time.

Draymen, Earl Chapman and Sam Chapman, hauled the cornerstone to the site on a horse-drawn wagon. The stone reads: "DeKALB COUNTY - LAID BY THE MOST WORSHIPFUL GRAND LODGE OF F. & A.M. - JULY 27, A.D. 1911." The cornerstone is on the northeast corner of the courthouse facing north. **(John Martin Smith Collection)**

The Cornerstone Ceremonies

Cornerstone laying ceremonies were held on Thursday, July 27, 1911. The program began at 10:30 a.m. and lasted through the afternoon. The program com-

menced with music by the Waterloo, Garrett, and Auburn bands. The cornerstone weighed five tons and was laid by the DeKalb Lodge No. 214, Free and Accepted Masons. William Geake, Deputy Grand Marshall of Indiana, was the master of ceremonies and addressed the crowd first.

After a dinner break, those gathered were addressed by J.D. Leighty, Judge Frank M. Powers, Newton W. Gilbert, and Governor Thomas R. Marshall. J. D. Leighty was chairman of the Arrangements Committee and gave an historical sketch of the old courthouse. Frank M. Powers was the Circuit Court Judge (DeKalb and Steuben Counties) and spoke generally on justice and liberty. Newton W. Gilbert was vice-governor of the Philippines.

The principal speaker of the day was Governor Thomas R. Marshall of Columbia City. He was well acquainted in Auburn and had appeared in DeKalb Circuit Court many times. The governor was introduced by J.D. Leighty, who said:

Laying the Cornerstone, DeKalb County Courthouse, July 27, 1911 - The ceremony was conducted by the Masonic Lodge. The principal speaker was Governor Thomas R. Marshall, who used the occasion to announce his candidacy for President of the United States.

(John Martin Smith Collection)

> *"We have with us today, an honored citizen of a nearby county. One who has often practiced his profession in the court of this county; one who by ability and forceful eloquence has attained high standing throughout the county; one who has been chosen by the people of our state to the highest place within their gift; one who is a prospective candidate for his party for the place of greatest honor, trust, and power that can be conferred on any man – the Presidency of the United States."*

Thomas R. Marshall - This postcard portrait was probably used in one of his political compaigns. Governor Marshall announced his candidacy for the presidency of the United States at the cornerstone laying ceremonies for the present courthouse on Juy 27, 1911.

(John Martin Smith Collection)

Governor Marshall had been popular throughout the state and had gained considerable national recognition. He had announced his candidacy for President of the United States just a week before. His address was the first since he had made the announcement and clearly that of a national candidate. The content of the speech is striking, in that the speech could be given by a present-day presidential or vice-presidential candidate and be almost wholly applicable to the issues – law and order, individual freedom, energy, government control, the power of the courts, and consumer protection.

Marshall campaigned on these themes throughout the country. His chief opponent was Woodrow Wilson of New Jersey. After twenty-six ballots at the 1912 Democratic Convention Wilson and Marshall were deadlocked, neither with enough votes to prevail. Marshall then agreed to give his votes to Wilson in exchange for the vice-presidential nomination. The ticket was elected. Marshall had a distinguished political career but ironically is remembered most for this statement: "What this country needs is a really good five-cent cigar."

The Most Magnificent Building Ever Built in DeKalb County

Work progressed steadily on the huge building. It was even more beautiful than the architect's renderings.

It is modern Ionic Greek architecture. The shape of the building is a parallelogram with a frontage of 140 feet on the east and west, and a depth of 116 feet on the north and south. It covers 18,000 square feet, and its three floors total 54,000 square feet, or about one and one-fourth acres. The total height is 56 feet, and it contains 1,170,000 cubic feet.

The first floor is fourteen feet high and is five steps above ground level. It originally contained the sheriff's office, surveyor's office, assessor's office, custodian's room, stale record room, assembly hall which seated six hundred people, a "Women's Rest and Retiring Room," and a "Men's Public Toilet Room."

The second floor is also fourteen feet high and contains the auditor's, trea-

The dome and rotunda are spectacular!
(Marsh Davis Photograph)

The Circuit Court Room is very elaborate with art glass panels in the ceiling, large brass chandeliers, stenciling on the upper walls, and quarter sawn oak on the lower walls **(Marsh Davis Photograph)**

surer's, recorder's, and clerk's offices and the Commissioners' Court.

The third floor is thirteen feet high and originally contained two courtrooms, law library, grand army room, county school, superintendent's rooms, grand jury room, petit jury room, and witness room.

The Circuit Courtroom is 40 feet by 60 feet and has a ceiling height of 25 feet. Originally the entire ceiling was of Florentine glass under a skylight. Because the acoustics were considered poor, the Florentine glass was covered with acoustical tile in 1961.

The building is faced with Indiana oolitic limestone over brick. The interior columns, floors, and roof are reinforced concrete and all interior partitions are made of gypsum blocks. The corridor floors are encaustic tile, and the offices are marblithic tile. The courtroom and original law library floors were cork tile. The corridor wainscoting and the stairs are built of Vermont marble.

The interior columns are scagliola; the walls and ceilings are beautifully decorated to resemble marble. This work was done by a crew of Italian decorators brought in from the East.

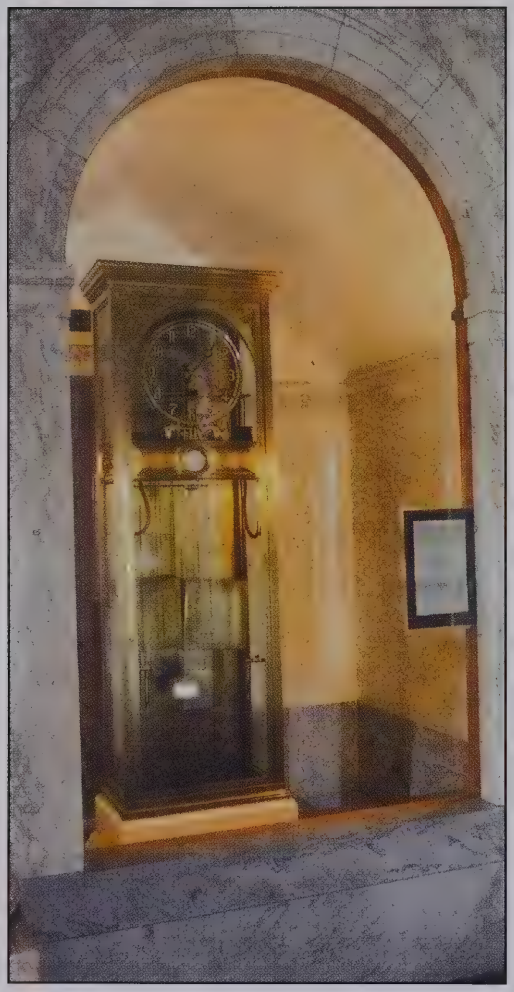
The only wood in the building is in the Commissioners and Circuit Courtrooms' wall paneling. All of the doors, casings, trim, and all counters, furniture, files, and shelving are made of steel grained to imitate oak wood.

The large brass master clock located on the first floor controlled the exterior pediment clocks and twenty-two secondary clocks located throughout the building by means of air tubes. An impulse of air is sent forth every alternate minute and inflates the diaphragm of the secondary clocks. The opening of the valves in the master clock in alternate minutes releases the impulse and allows all air in the tubing system to equalize. Thus all secondary clocks are moved forward a minute at a time. The system was manufactured by the Hahl Automatic Clock Company of Chicago. The pediment clocks have been electrified in recent years.

Both gas and electric lights were installed when the building was built. Natural gas was plentiful in Auburn at the time, but electricity prevailed. The gas fixtures may still be seen. A central vacuum cleaning system is no longer used. The roof was originally red tile, but has been replaced by copper. A flagpole capped by an American Eagle was originally installed on top of the building.

The Florentine glass dome is a sight to behold. It is wholly contained within the attic level and is illuminated by skylights during the day and electric lights at night.

The building contains 473 carloads of material and weighs approximately 11,301 tons. The total cost, including furnishings was $317,072.14.



The master clock on the first floor operates exterior pediment clocks and individual clocks in each office and courtroom by means of pneumatic tubes.
(Marsh Davis Photograph)

Electric lights also had gas jets at the top. (Craig Berndt Photograph)

Mural Paintings

The mural paintings on each side of the landing between the second and third stories are a principal feature of the DeKalb County Courthouse. They are eighteen feet in width and twelve feet in height.

The murals were painted in New York City by Arthur Thomas, who was born in Dresden, Germany, in 1858 and came to the United States in 1893.

Mr. Thomas also did the murals on either side of the bench in the Circuit Courtroom. They are allegorical of justice and liberty.

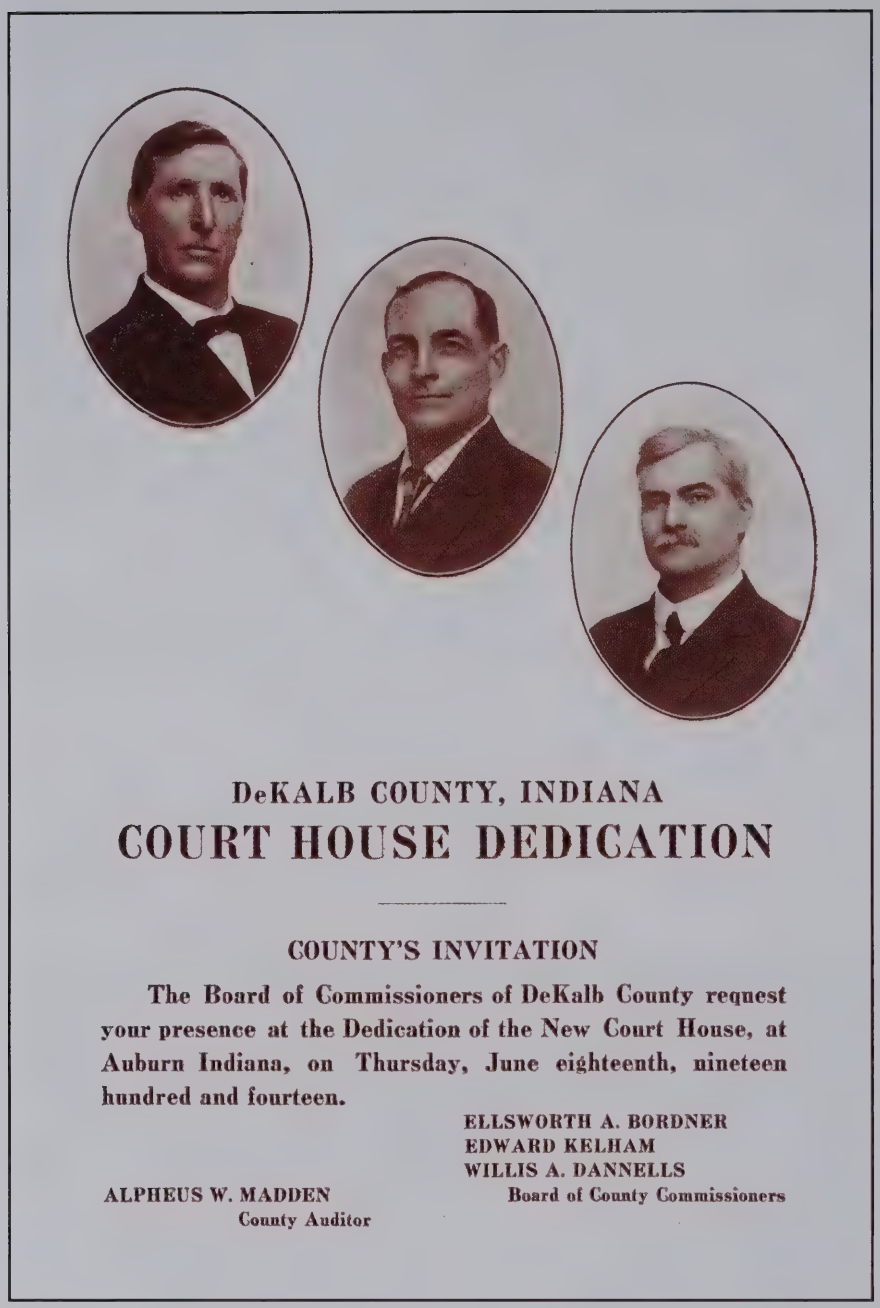
The DeKalb County Courthouse was designed and built to serve this county for many years. It has provided sufficient room for growth while most other counties have found themselves cramped for office space. The foresight of those who designed and built the courthouse is attested to by the fact that a second courtroom was provided. It was not utilized until 1976, when the DeKalb County Court was established.

The DeKalb County Commissioners have very carefully maintained the building, and it continues to be a most exquisite building which will serve DeKalb County for many more years.

Spirit of Progress - The inscription below the mural reads: ***"The center group represents a monumental figure of Baron DeKalb being crowned by the Goddess of Victory as one of the bravest heroes of the Revolution. His horse being killed under him, he has regained his feet and, although badly wounded, is setting a fine example to his soldiers in attcking the enemy again and again, until mortally wounded. To the left, in the background, are scenes from the wars with the Indians, which were unavoidable before a final peaceful settlement of the country was possible. At the right, Columbia is proclaiming peace and liberty to the country. In the foreground, starting on the trail, is one of the early pathfinders, and in the distance a settler with his family is tilling the soil of the country."*** (Marsh Davis Photograph)

Spirit of Industry - The inscription below the mural reads: ***"The center group, a female figure, allegorical of the State of Indiana, her right hand resting upon the constitution and her left hand holding the great seal of the state, giving protection to the agricultural and industrial endeavors of the county assisted and counseled by a male figure, allegorical of the finest spiritual qualities of the human mind. At the base of the center group a figure symbolic of education, a woman teacher instructing a future citizen, on the left different manufacturers are portrayed, and on the right, agriculture is represented by a great field of golden wheat, with harvesters in the distance, and in the foreground, cows and sheep, important domestic industries of the county."***

(Marsh Davis Photograph)



DeKALB COUNTY, INDIANA

COURT HOUSE DEDICATION

COUNTY'S INVITATION

The Board of Commissioners of DeKalb County request your presence at the Dedication of the New Court House, at Auburn Indiana, on Thursday, June eighteenth, nineteen hundred and fourteen.

ELLSWORTH A. BORDNER
EDWARD KELHAM
WILLIS A. DANNELLS
Board of County Commissioners

ALPHEUS W. MADDEN
County Auditor

Court House Dedicaion Program, June 18, 1914 - The County Commissioners, Ellsworth A. Bordner, Edward Kelham, and Willis A. Dannells made the occasion a large public event. The Committee on Arrangement was chaired by Hugh R. Culbertson with E.O. Little as secretary. The committee had a member from each township.
(John Martin Smith Collection)

After almost five years of planning and construction, the DeKalb County Courthouse was completed. A dedication ceremony befitting the occasion was arranged and was held on Thursday, June 18, 1914.

The Evening Star reported:

"Amid the cheering of thousands of people, the playing of bands and the fluttering of flags, DeKalb County's new $300,000.00 courthouse was dedicated with appropriate exercise this afternoon.

"From early in the morning until late in the afternoon, streams of people poured into the county seat to witness the ceremonies in connection with the dedication of the second finest courthouse in the State of Indiana. The crowd late this afternoon was estimated at 10,000 to 15,000 people.

"The dedication proper opened with a band concert by the Auburn City Band from 8:45 to 9:10. At 9:10 the band formed a line and marched to the Vandalia Depot to meet the Butler delegation. At 9:45 the Auburn Band marched to the Lake Shore Depot to meet the Angola delegation, while the Butler band played a concert at the bandstand.

"The Old Settlers had their program in the morning, and an unusually large number were present. The Hon. Newton Gilbert, of Angola, recently the Vice-Governor of the Philippines, made the chief address of the day. The biographer's report showed that an unusually large number of Old Settlers died during the past year.

"During the noon hour the bands played concerts, the Butler Band from 12:00 to 12:30, the Auburn Band from 12:30 to 1:00, and the Garrett Band from 1:00 to 1:30. At 1:30 all the bands formed a line in front of the Swineford Hotel and escorted the speakers to the stand.

"The Royal Black Hussar Band of Auburn opened the afternoon program with a short concert, which was followed by a song by a chorus. After the invocation of Rev. J.G. Wise and a duet by H.C. McClung and F. A. Pribbenow, Judge Frank M. Powers addressed the audience. The Quinque Quartette of Waterloo followed with a song, after which the building was formally dedicated by the noted jurist, Judge John W. Hannan of LaGrange. The program was concluded by the raising of the American flag, a song by the chorus, and a fire drill by the Auburn Fire Department."

The general contractor, J.B. Goodall, delivered the key to the building to the architect, Marshall S. Mahurin, who in

turn presented it to the DeKalb County Commissioners. The board presented the key to Judge Frank M. Powers, who presented it to the Hon. John W. Hannan, orator of the day, with the request that he dedicate the DeKalb County Courthouse to "Utility, Justice, and Liberty."

The Royal Black Hussars was an Auburn band that played on the Lincoln Chautauqua System throughout the Midwest. The Evening Star reported:

> *"The seventeen musicians played as one man and to sum up their work in two words, one has but to say that this is 'Some Band.' Their work was highly appreciated, not only by officials in charge of the day's program but the throngs that stood spellbound throughout their concert."*

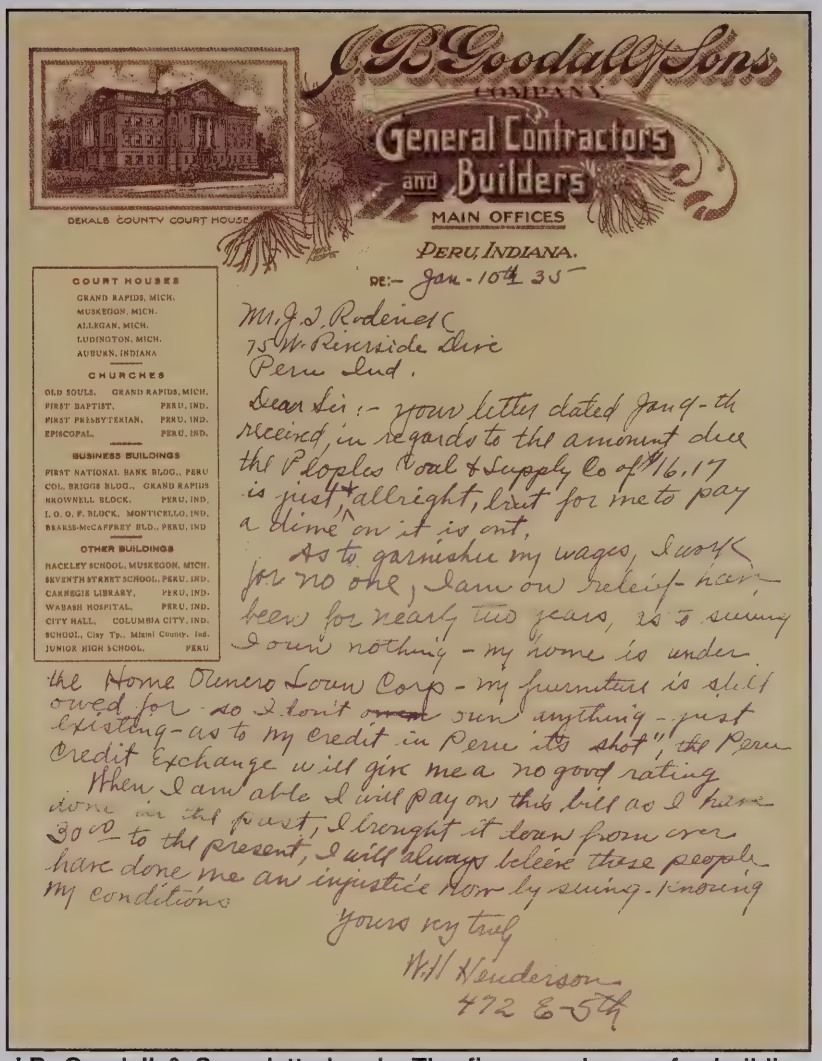
Thousands came to Auburn for the occasion. The Evening Star noted:

> *"Automobiles lined Main Street from north to south, and the side streets were filled with machines. Never before were there so many automobiles seen in Auburn at one time."*

The Shannon Stock Company was in town with a tent show, "The Village Gossips."

The Auburn merchants enjoyed the influx of people. Beidler's Shoe Store advertised:

> *"We have had made especially for Dedication Day a beautiful oval pocket mirror with a picture in colors on back of DeKalb County's New Courthouse. To every Man or Woman who will come in our store and register, we will give one of these beautiful souvenirs. They will be useful and be a constant reminder of DeKalb County's Best and Largest Shoe Store where We Fit Your Feet."*


J. B. Goodall Sons
COMPANY
General Contractors and Builders
MAIN OFFICES
PERU, INDIANA.

DEKALB COUNTY COURT HOUSE

COURT HOUSES
GRAND RAPIDS, MICH.
MUSKEGON, MICH.
ALLEGAN, MICH.
LUDINGTON, MICH.
AUBURN, INDIANA

CHURCHES
OLD SOULS, GRAND RAPIDS, MICH.
FIRST BAPTIST, PERU, IND.
FIRST PRESBYTERIAN, PERU, IND.
EPISCOPAL, PERU, IND.

BUSINESS BUILDINGS
FIRST NATIONAL BANK BLDG., PERU
COL. BRIGGS BLDG., GRAND RAPIDS
BROWNELL BLOCK, PERU, IND.
I. O. O. F. BLOCK, MONTICELLO, IND.
BRAKE-McCAFFREY BLD., PERU, IND

OTHER BUILDINGS
HACKLEY SCHOOL, MUSKEGON, MICH.
SEVENTH STREET SCHOOL, PERU, IND.
CARNEGIE LIBRARY, PERU, IND.
WABASH HOSPITAL, PERU, IND.
CITY HALL, COLUMBIA CITY, IND.
SCHOOL, City Tp., Miami County, Ind.
JUNIOR HIGH SCHOOL, PERU

Re:- Jan-10th 35

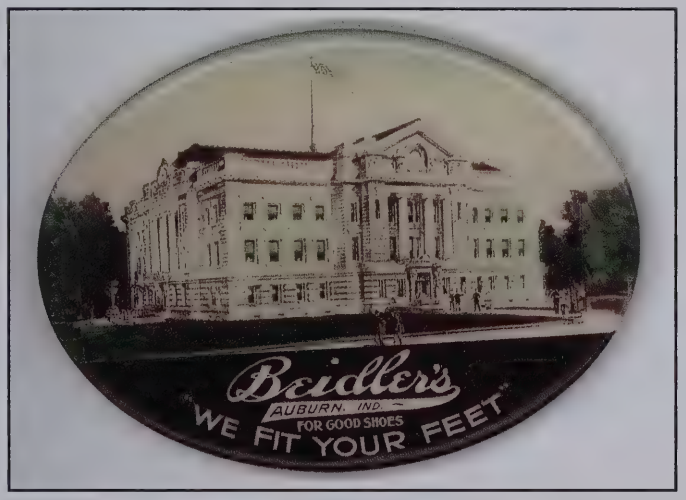
Mr. J. J. Rodenel
75 W. Riverside Drive
Peru Ind.

Dear Sir:- your letter dated Jan 9-th received in regards to the amount due the Peoples Coal & Supply Co of $16.17 is just allright, but for me to pay a dime on it is out.

As to garnishee my wages, I work for no one, I am on relief- have been for nearly two years, so I suppose I owe nothing - my home is under the Home Owners Loan Corp - my furniture is still owed for - so I don't ~~owe~~ owe anything - just existing - as to my credit in Peru it's shot", the Peru Credit Exchange will give me a no good rating. When I am able I will pay on this bill as I have done in the past, I brought it down from over $60.00 to the present, I will always believe these people have done me an injustice now by suing - knowing my conditions

Yours very truly
Will Henderson
472 E 5th

J.B. Goodall & Sons letterhead - The firm was known for building courthouses, churches, schools, hospitals, and other large buildings in Indiana and Michigan. (John Martin Smith Collection)



Mirror given by Beidler Shoe Store as a souvenir of the dedication ceremonies. (John Martin Smith Collection)

The dedication program was full of the customary pomp and ceremony of the day, but the DeKalb County Courthouse has clearly lived up to the purpose for which it was dedicated: "Utility, Justice, and Liberty."

Courthouse Modifications

The courthouse has been modified from time to time to accommodate changes in offices and to accept modern technology. The Commissioners and Council have been generally sensitive to the historical and architectural aspects of the building in these endeavors. Major changes have included moving the Recorder's Office from the second to the first floor. The space vacated was used to expand the Clerk's Office. The Surveyor's Office was moved to the former Ladies' Lounge on the first floor. The original Assembly Room was extensively modified to accommodate the Prosecuting Attorney

Soldier's Monument - The obelisk in the center of the first floor contains plaques with the names of all DeKalb County Soldiers killed in action. (Marsh Davis Photograph)

Offices which were moved from the Grand Army of the Republic (GAR) Rooms on the third floor.

The original GAR Rooms and Law Library have been modified into a third courtroom, judge's chambers, and Clerk's Office in anticipation of the creation of a second Superior Court by the Indiana General Assembly. Until the creation of new court, this area is the Small Claims Division of the DeKalb Superior Court. The Circuit Court Jury Room was made into a Law Library and Attorneys' Lounge. A Jury Room remains but is much smaller.

These modifications have occurred gradually over a period of years.

Circuit Courtroom Restoration

In 1961 Circuit Court Judge Harold D. Stump felt that the acoustics and lighting of the Circuit Courtroom could be improved by dropping the ceiling, installing fluorescent lights, and putting acoustic tile on the walls. On June 5, 1961, the Commissioners let a contract for such purposes, the result of which was to cover and obliterate the ornate character of the original architecture of the ceiling and sidewalls.

On October 1, 1965, John Martin Smith began practicing law in DeKalb County. With the help of Custodian Virgil Kimes, he soon began exploring the "nooks and crannies" of the courthouse. He discovered the art glass panels in the attic which had once lit the ceiling of the Circuit Courtroom with natural light via skylights in the roof. The panels were still there but were covered by the dropped ceiling. It was unknown what was behind the tile and whether the magnificent brass chandeliers were still there.

In 1988 Smith approached newly elected Circuit Court Judge Paul R. Cherry and the Commissioners about restoring the grandeur of the Circuit Courtroom. All were also in favor of restoration but preferred to wait until the more functional modifications were completed and paid for.

Being patient and realizing that "timing is everything," Smith waited until all other modifications were completed and then secured the approval of Judge Cherry and the DeKalb County Bar Association to pursue the restoration. The DeKalb County Bar Association appointed a committee for the purpose, chaired by Smith.

The DeKalb County Commissioners, Connie R. Miles, Don C. Kaufman, and William C. Ort, were very receptive and the matter was presented to the DeKalb County Council whose members, Charles R. Ridge, Donald E. VanWye, David Yarde, Norman M. Smaltz, Robert Wilder, Larry L. Moughler and Janet L. Ordway, approved the budget. Funds were appropriated and Grinsfelder Associates Architects, Inc. of Fort Wayne was retained as architect. The supervising architect for the project was Edward J. Welling AIA. Contracts were let for restoration of the oil paintings in the Circuit Courtroom to Evergreene Painting Studios, Inc. on January 29, 2001; for general construction and painting to Hamilton Hunter Builders, Inc.; and to Connectivity and Technology Inc. for audio/video systems on February 26, 2001. Bovard Studio of New York City restored the stained glass pursuant to a subcontract with Hamilton Hunter Builders, Inc.

Judge Cherry moved his court to the proposed second Superior Courtroom across the hall, and the Circuit Courtroom was vacated and stripped of its dropped ceiling, florescent lights, and acoustic tile. The brass chandeliers were nowhere to be found, but the artglass panels were there albeit dirty and in poor repair. The beams and plaster decorative features were intact except for large holes where lag bolts had been placed to support the dropped ceiling. Craftsman made molds and recast the damaged places, which were then carefully glued into place.

Circuit Courtroom Stencils had been covered with acoustic tile. The original stencil pattern was barely visible but was photographed and digitally enhanced. (John Tingle Photograph)

Stencil Pattern created for restoration - John Tingle created patterns from the digitally enhanced photos of the original. These were then used to stencil the side walls above the oak paneling. (John Tingle Photograph)

Careful examination of the side walls disclosed the original stenciling featuring a stylized eagle medallion. John Tingle carefully re-cut stencils and then painstakingly applied them after the beams and sidewalls were painted.

The artglass panels were restored, repaired and replaced, as necessary, by Evergreene Studios of Fairfield, Iowa. Since the original skylights had been covered when a copper roof was installed several years ago, the panels were backlit with artificial light. The brass chandeliers were replicated to the extent possible.

Modern technology was installed, including a well concealed projection system whereby exhibits and videos can be projected onto a large screen for exhibit purposes and a sound system which cured the acoustical problems of the courtroom.

The finished result is a truly spectacular space that is very functional. It was hard to believe that the beauty of the room had been "injudiciously" hidden from view for thirty years!

The restoration was dedicated on November 2, 2001, in a ceremony for which Indiana Supreme Court Chief Justice Randall Shepard was the keynote speaker. He observed that midwestern county seats usually had three large buildings dominating their landscape – the churches, which spoke to the spirit of the people – the grain elevators, which spoke to the economic needs of the people – and the courthouses, which spoke to the democratic principles and civility of the people. Courtrooms were large and ornate because they were important to the well-being of society.

DeKalb Circuit Court - Election workers for the 2002 Election are gathered for instructions in the spectator section fo the DeKalb Circuit Court Room. The stenciling is spectacular!
(Craig Berndt Photograph)

Randall Shepard, Chief Justice, Indiana Supreme Court; Paul R. Cherry, Judge, DeKalb Circuit Court; Thompson Smith, attorney; and John Martin Smith, Chairman of Courtroom Restoration Committee, at the Dedication Ceremony on November 2, 2001.
(John Martin Smith Collection)

John Martin Smith observed that the "majesty" of the law replaced the "majesty" of the King, from whom most immigrants had escaped.

Judge Paul R. Cherry thanked those responsible for their respective parts in the restoration and observed that he and the attorneys practicing law in the DeKalb Circuit Court would very much enjoy the splendor of the space.

Clinton Stephens, his family, and crew have played a large part in the restoration and the maintenance of the building and the beautification of the courthouse grounds. The community greatly appreciates the wonderful display of flowers on the square during the summer months, proudly planted and maintained by Clinton Stephens.

8. DeKALB COUNTY JAILS

The first DeKalb County Jail was authorized by the DeKalb County Commissioners on May 9, 1838, several years before a permanent courthouse was authorized. The jail was to be built of logs and was described as follows:

> *"Said jail to consist of one ground room, sixteen feet square inside of the walls. The upper soil where the jail stands shall be removed and three sticks of timber one foot square and twenty feet long shall be bedded ten inches into the ground, twenty feet apart from the outside of the two extremes, upon which a floor shall be laid of timber, a foot thick and eight to sixteen inches wide, making a floor twenty feet square, upon which said jail shall be built of double walls on each side two feet thick. The inside wall shall be eight feet high between floors. It shall have a shingle roof and be lighted by one four-light window of eight by ten glass. It shall be secured by iron grates of inch square bars running at right angles, three inches apart."*

DeKalb County Jail built in 1851-1852. When a new jail was built in 1875, this building was moved to the northeast corner of Ninth and Cedar Streets and became the Auburn town Hall and Fire Barn. (John Martin Smith Collection)

The jail was apparently located on the square, but this cannot be confirmed.

A new jail was contracted for in 1851 and completed in 1852 on the southeast corner of the public square. The new jail cost $1,000.00 and was an improvement over the log jail. It was used until 1875, when the building was moved to the northeast corner of Cedar and Ninth streets to be used for the Auburn Town Hall and Fire Barn.

The next jail was a handsome structure designed by T.J. Tolan & Son of Toledo and later of Fort Wayne. It was built in 1875 by James R. Duncan, William Crane, and Harmon Lydecker of Waterloo at a total cost of $28,647.00. It was equipped with triple gates, the latest Scandinavian locks and also contained a residence for the sheriff. The structure was of the classical Italianate architecture. The building was located on the southeast corner of the public square and remained there for several years after the present courthouse was built. It was razed in 1919 when the next jail was completed.

Zimmerman Auto-buggies shown in front of the jail on Ninth Street. (John Martin Smith Collection)

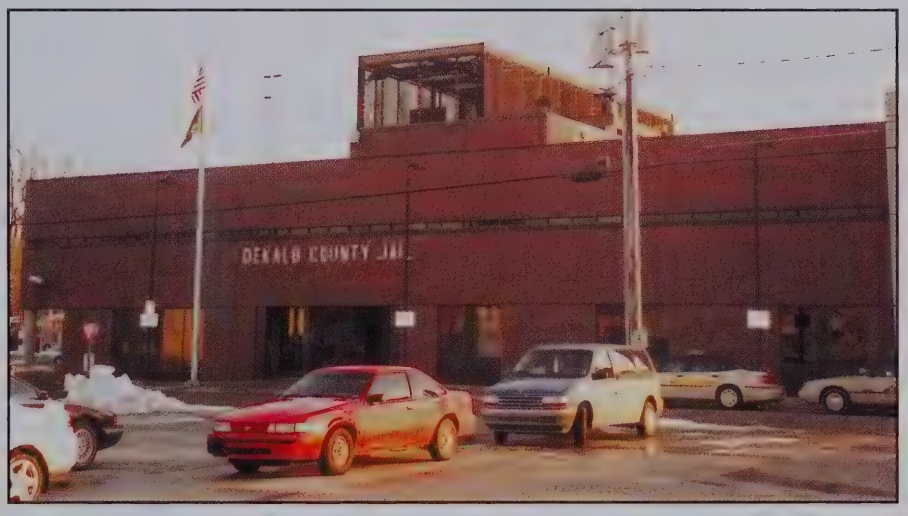
The Victorian jail was built in 1875. There was a public toilet located behind it on Cedar Street. The jail remained on the square alongside the present courthouse until a new jail was built in 1917. (John Martin Smith Collection)

Because the old jail on the public square was an eyesore after the present courthouse was built, it was contemplated that it would be removed as soon as it was financially feasible to build a new jail. The contract was let on May 28, 1917, to H.H. Ackemere of Auburn for $52,940.00. The final cost was $89,535,00 . The new jail was occupied on January 15, 1919, and was in service until 1985. As originally built, it contained sixteen cells, a juvenile ward, a women's ward, a hospital area, and an insane ward. It also served as the sheriff's residence.

The 1917 DeKalb County Jail was located between the Commercial Club Building and the Auburn City Hall at the Southeast corner of South Cedar and East Eighth Streets. (John Martin Smith Collection)

Since the origins of county government, the Grand Jury has been charged with the annual responsibility of inspecting all county buildings. Beginning in about 1960 the Grand Juries were generally critical of the 1917 Jail Building. These criticisms grew as the years went by.

In 1982 four former jail inmates, represented by a legal services attorney from Fort Wayne, filed suit in the United States District Court for Northern Indiana alleging that the DeKalb County Jail was inadequate and should be remodeled or closed. The case was assigned to Judge Allen Sharp at South Bend. The action languished in the courts for some time, but it was clear that Judge Sharp would require extensive repairs and renovation to the 1917 Jail or require that a new one be built.



The present DeKalb County Jail, built in 1984-1985. (Judy Pepple Photograph)

After considering several alternatives, the DeKalb County Council and Commissioners elected to build a new jail. Archonics, an architectural firm from Fort Wayne, was selected to design the facility. Construction Control was selected as construction manager. Construction began April 23, 1984. The cost of construction was $2,860,000.00, which was raised by a bond issue.

The building contains 27,000 square feet. Facilities on the first floor include a public lobby, reception area, sheriff's office, chief deputy's office, detectives' office, deputies' office, three interrogation rooms, darkroom, squad room, locker room, and evidence room.

The jail itself consists of one 16' cell and two 18' modules located on the second floor with three satellite control centers located within the modules. An outdoor exercise area is located on the roof. There are also five holding cells, two bull pens, a medical examination room, a booking room, a laundry room, a matron's office, a staff dining room, a kitchen, and public and private visitation rooms all located on the first floor. The facility has a central control room which has complete security control over the entire facility and also serves as the communications center for the Sheriff's Department's county-wide communication system. The jail is located west of Union Street between Eight and Ninth Streets.

Larry L. Metcalf, was Sheriff and Jay Oberholtz was Chief Deputy when the jail was built. The County Commissioners were Robert Wilder, Bruce Gurtner, and James Herzer. Those who served on the County Council during this period were Loyal Bowerman, Carl Diehl, Daryle Doden, Frank Laub, Charles Ridge, Ed Shenk, Roger Stebing, Ronald E. Feller, Helen Graham, and Hal Williams. The County Attorney was H. Charles Winans.

The facility was dedicated on September 15, 1985, with appropriate ceremonies highlighted by speeches from Allen County Sheriff Dan Figel, Superior Court Judge Charles L. Quinn, and Circuit Court Judge Harold D. Stump.

DeKalb County has come a long way from the log jail to the magnificent structure here described. It is indeed unfortunate, however, that the evil propensity of humanity has not improved over 165 years, making such structures still necessary.

DeKalb County Infirmary built in 1908. (John Martin Smith Collection)

Sunny Meadows Residential Home. The building behind the main building contained cells for restraining mentally ill patients.
(Judy Pepple Photograph)

DeKalb County Office Building at 215 East Ninth Street.
(Judy Pepple Photograph)

Sunny Meadows Residential Home sign.
(Judy Pepple Photograph)

9. DeKALB COUNTY FARM

Originally poor persons unable to care for themselves were "farmed out" on a bid basis and were boarded in private homes.

The first DeKalb County Asylum for the Poor was located in Butler Township, was acquired in 1856, and contained 120 acres. It was replaced in 1869 by a 166 acre farm located in Keyser Township.

The present DeKalb County Farm Residence Building was constructed in 1908 at a cost of $27,000.00. It contains sixty rooms, including kitchen, dining rooms, superintendent's living quarters, laundry, and storage areas. The large barns were built in 1918 and are 40 x 100 and 41 x 100 feet. The barn foundations were built from stone and brick salvaged from the former DeKalb County Jail which was razed in 1918.

The original insane asylum was remodeled into a chapel in 1969, although one cell was retained for historical purposes.

The DeKalb County Farm, now known as "Sunny Meadows Residential Home", has been one of the best in the area. The farm and livestock income continue to make the operation self-sustaining.

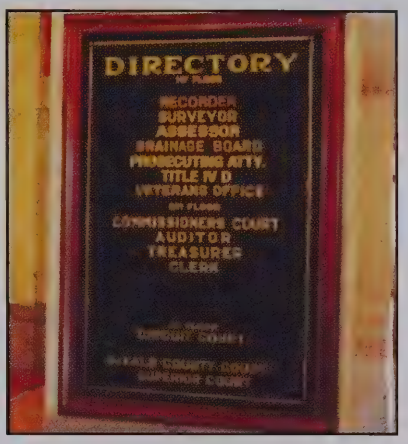
10. DeKALB COUNTY OFFICE BUILDING

The former Kruse International Buildings located at 215 East Ninth Street and 301 South Union Street were purchased in 1987 for $750,000.00 and presently house the DeKalb County Probation Department, Health Department, Building Department, Plan Commission, Extension Service, Public Defender, and Department of Civil Defense.

11. DeKALB COUNTY GOVERNMENT FUNCTIONS

A. Introduction

Counties are responsible for the administration of certain governmental functions such as law enforcement in rural areas, county road maintenance, administration of county institutions, collection of taxes, keeping of records, operation of court system, and conducting voter registration and elections.



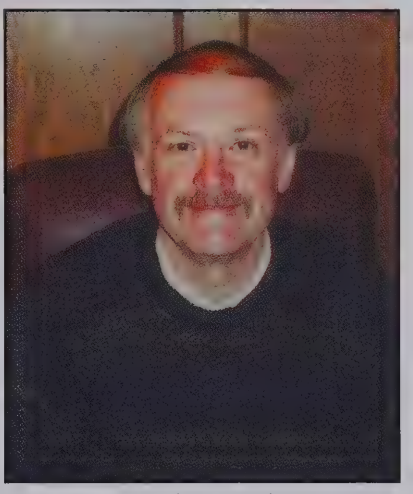
(Judy Pepple Photograph)

B. DeKalb County Board of Commissioners

DeKalb County is governed by its Board of County Commissioners. The three Commissioners are elected from three separate Commissioner Districts by vote of the whole county. Their terms are four years on a staggered basis. They are responsible for the administration of all county business, for the enactment of ordinances to meet local conditions, for the exercise of authority as to local matters, and for all other authority vested in the board by the Indiana General Assembly.

Don C. Kaufman (R)
DeKalb County Commissioner
(Judy Pepple Photograph)

Connie Miles (R)
DeKalb County Commissioner
(Judy Pepple Photograph)



William "Chuck" Ort (R)
DeKalb County Commissioner
(Judy Pepple Photograph)

Generally, their functions are:

- Controlling, maintaining, and supervising county property, including the courthouse, jail and county farm.
- Auditing and authorizing claims against the county.
- Letting contracts.
- Constructing and maintaining county roads and bridges.
- Exercising the county's power of eminent domain.
- Establishing election precincts, providing polling places, and supplying election equipment.
- Appointing certain officials.
- Preparing annual budget for their area of function.
- Serving on the DeKalb County Drainage Board.
- Supervising DeKalb County Farm.
- Fixing and posting speed limits and other regulations for county roads.
- Providing county ambulance service.
- Providing facilities for the disposal of refuse.
- Formulating certain health and safety regulations.

The county commissioners meet every Monday and other times as necessary at the Commissioners' Court room located on the second floor of the courthouse. Meetings are open to the public and any person is welcome to attend, to observe, or to ask questions.

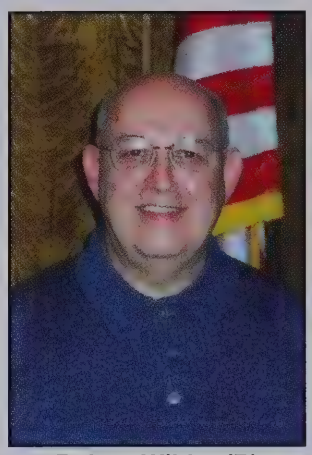
C. DeKalb County Council

The financial power of DeKalb County is placed in its seven member county council, which serves as a check on the commissioners. One councilman is elected from each of four council districts by vote of the whole county. There are also three councilmen at large who may reside anywhere. They serve staggered four year terms.

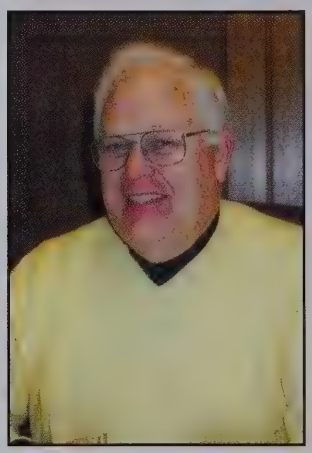
The county council appropriates all funds for use by the county and all its officers. It also has the power to adopt a "local option" income tax. It fixes the rate of taxation for the county and adopts the county budget. The council sets salaries for most county officials within certain minimums, and establishes the number of deputies, assistants, and other employees of the several county officials and departments.

Present county council members are:

Benjamin Smaltz (R)
President,
DeKalb County Council
(Judy Pepple Photograph)



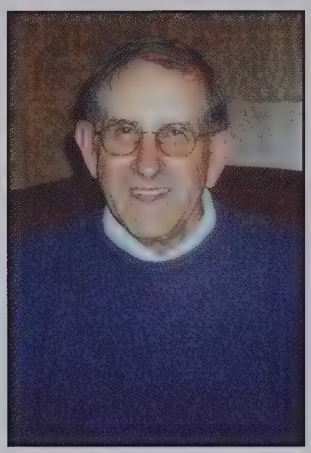
Robert Wilder (R)
Vice President,
DeKalb County Council
(Judy Pepple Photograph)



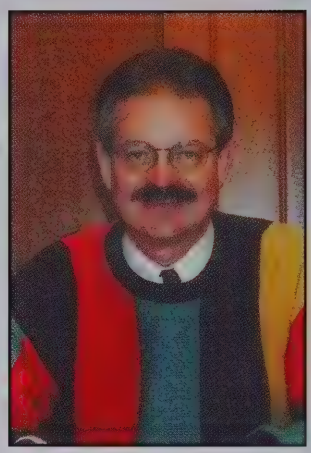
Keith "Andy" Crow (D)
DeKalb County Council
(Judy Pepple Photograph)

Larry L. Moughler (R)
DeKalb County Council
(Judy Pepple Photograph)

Janet L. Ordway (R)
DeKalb County Council
(Judy Pepple Photograph)



Donald E. Van Wye (R)
DeKalb County Council
(Judy Pepple Photograph)



David Yarde (R)
DeKalb County Council
(Judy Pepple Photograph)

Other County Officers

Sharon G. Hayes (R)
DeKalb County Auditor
(Judy Pepple Photograph)

D. DeKalb County Auditor

The DeKalb County Auditor serves as Secretary of the Board of County Commissioners and keeps the accounts and issues warrants for claims allowed by the county commissioners. The auditor is the general bookkeeper of the county and keeps a record of all real estate in the county for tax purposes. Distribution of tax revenues are made to the various governmental agencies for which they are collected.

Plats of all real estate are kept by the auditor. Every deed conveying real estate must be presented to the auditor for transfer on the plat of records before it can be recorded.

The office of auditor is constitutional and is elected for four-year terms, with a prohibition of serving no more than two consecutive terms.

E. DeKalb County Treasurer

Susan Bauermeister (R)
DeKalb County Treasurer
(Judy Pepple Photograph)

The DeKalb County Treasurer collects, holds, and disburses county funds. The office collects all taxes payable within the county. The tax duplicates received by owners of real estate are prepared by the treasurer.

The constitution provides for the office of treasurer, which is elective. No one person can serve as treasurer more than two terms within twelve years.

F. DeKalb County Recorder

Burtie M. Rynearson (R)
DeKalb County Recorder
(Judy Pepple Photograph)

The DeKalb County Recorder is responsible for preserving public records, including deeds, mortgages, liens, leases, articles of incorporation, and similar legal documents. Most of the documents pertain to the title to real estate. It is from the documents of record in the recorder's office and other county offices that title insurance for real estate is written by private title insurance agents.

This office is also provided for by the constitution. The recorder is elected for a four-year term with a prohibition of any one person serving for more than eight years within a twelve year period.

The office of recorder was combined with that of clerk for the first fourteen years of the county's existence.

G. Clerk of The DeKalb Circuit Court

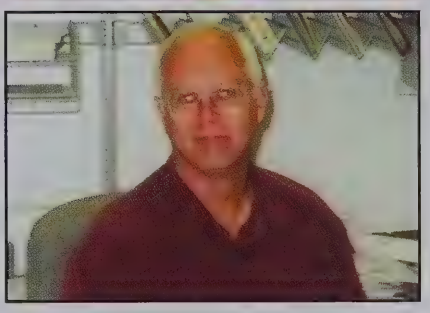
The DeKalb County Clerk has a multitude of functions:

- Files, records, and enters all orders pertaining to civil, criminal, juvenile, and probate matters handled by the courts.
- Serves as *Ex officio* member and secretary of the DeKalb County Election Board.
- Receives declarations of candidacy for public office and issues certificates of election to local officeholders.
- Issues marriage, hunting, and fishing licenses and licenses or certificates to practice medicine, surgery, dentistry, optometry, and other licenses.
- Receives and disburses support money in divorce cases, administers oaths to public officials, files notary bonds, executes applications for passports, and serves as a member and secretary of the county commission on public records.
- Handles voting and registration and election matters.

Jacqueline R. Rowan (R)
DeKalb County Clerk
(Judy Pepple Photograph)

The clerk is elected for four-year terms and cannot serve more than eight years within a period of twelve years. The office is established by the Indiana Constitution.

H. DeKalb County Surveyor



Mark L. Strong
DeKalb County Surveyor
(Judy Pepple Photograph)

The DeKalb County Surveyor is responsible for surveying and keeping a record of all section corners in the county and for supervising the establishment, construction, and maintenance of all legal drains within DeKalb County.

The surveyor serves as an ex officio member of the DeKalb County Drainage Board and of the DeKalb County Plan Commission.

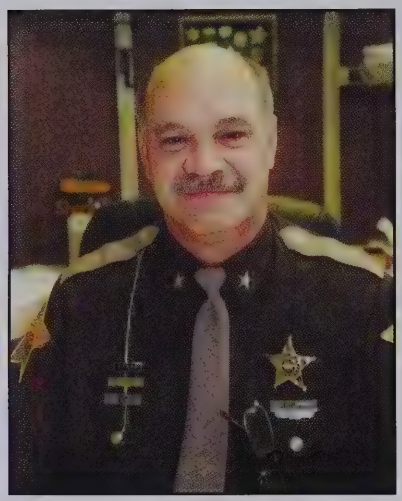
The surveyor is elected for four-year terms, and there is no limit on the number of terms which may be served. The office is constitutional.

Uniform patches for DeKalb County law enforcement.
(John Martin Smith Collection)

I. DeKalb County Sheriff

The DeKalb County Sheriff also has a variety of duties:

- Acts as conservator of the peace.
- Operates the DeKalb County Jail and is responsible for prisoners within his custody.



John Dennis (R)
DeKalb County Sheriff
(Judy Pepple Photograph)

- Serves warrants for arrest, summons in civil cases, subpoenas, and other process issued by the courts.
- Collects delinquent state income tax and levies on property for such tax.
- Sells property in mortgage foreclosure proceedings.
- Conveys persons committed to mental institutions.
- Attends sessions of the DeKalb County Council and executes its orders.
- Executes orders of the DeKalb County Commissioners and the DeKalb Circuit and Superior Courts.

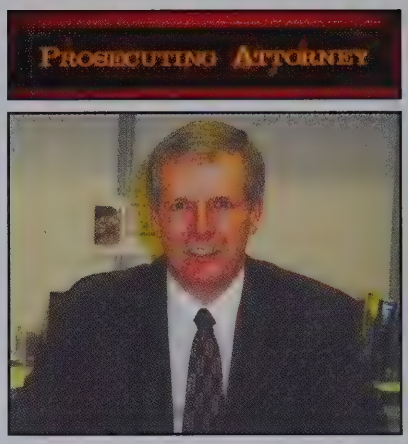
The sheriff appoints his own chief deputy. Other deputies are appointed subject to the review and approval of the DeKalb County Sheriff's Merit Board.

The office is created by the constitution, and the sheriff is elected for a four-year term with a prohibition against serving more than eight years within any twelve years.

J. DeKalb County Prosecuting Attorney

The office of prosecuting attorney is not actually a county office but rather that of a judicial circuit, which can be more than one county. The DeKalb County Prosecuting Attorney is the prosecuting attorney for the 75th Judicial Circuit of the State of Indiana, which is now limited to DeKalb County. Established by the constitution, the office is elected to four-year terms and is not limited as to the number of terms.

The prosecutor represents the State of Indiana and prosecutes violations of state statutes in all courts within his or her jurisdiction. He or she must be a licensed attorney.



Monte L. Brown (R), DeKalb County Prosecuting Attorney
(Judy Pepple Photograph)

The prosecutor has deputies to assist in the duties of the office. The office works closely with the sheriff, state police, and other police departments in the investigation of criminal matters.

Between 1852 and 1874 there was a separate prosecuting attorney for the Common Pleas Court.

K. DeKalb County Coroner

Richard J. Brown (R)
DeKalb County Coroner
(Judy Pepple Photograph)

The DeKalb County Coroner is responsible for determining the manner and cause of death in cases involving violence or casualty or when a person is found dead under unexplained circumstances. The coroner can hold inquests to determine the cause of deaths.

The coroner performs the duties of sheriff in case of the absence or disqualifications of the sheriff. The coroner is the only official who can arrest the sheriff.

The office of coroner is provided by the constitution, is elected for a four-year term, and is not subject to any limit on the number of terms.

L. DeKalb County Assessor

The DeKalb County Assessor advises and instructs all township assessors, serves as receiver of all returns made by township assessors, and serves as Indiana Inheritance Tax Appraiser.

The assessor is elected for four-year terms and may be re-elected any number of times. The office is statutory rather than constitutional.

Dottie M. Leins (D),
DeKalb County Assessor
(Judy Pepple Photograph)

M. DeKalb County Appointive Administrative Officials

There are many other public officials who are appointed to their respective positions. These officials and their functions are:

- **DeKalb County Highway Supervisor.** Appointed by DeKalb County Commissioners and responsible for maintenance of roads, bridges, and culverts.
- **DeKalb County Highway Engineer.** Appointed by DeKalb County Commissioners and responsible for the design and construction of county roads and bridges.
- **DeKalb County Cooperative Extension Service.** The county cooperative extension agent and staff are appointed by the trustees of Purdue University and provide technical assistance in the areas of agriculture and home economics.
- **DeKalb County Attorney.** Appointed by the DeKalb County commissioners and provides legal services to them and other county officials.
- **DeKalb County Inspector of Weights and Measures.** Appointed by DeKalb County Commissioners and inspects weights, scales, and other measuring devices for commercial purposes.
- **DeKalb County Physician.** Appointed by DeKalb County Commissioners. Provides medical services to the DeKalb County Jail and DeKalb County Farm.
- **Superintendent of DeKalb County Farm.** Appointed by the DeKalb County Commissioners and manages DeKalb County Farm and is responsible for its residents.

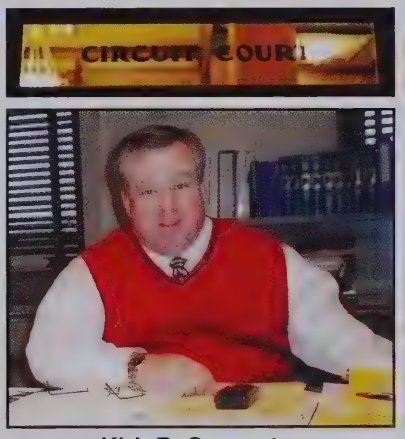
N. DeKalb County Governmental Agencies

Other county agencies and their functions are:

- **DeKalb County Property Tax Assessment Board of Appeals.** Reviews and determines complaints on real property tax assessments and certain other functions in regard to assessments.
- **DeKalb County Board of Tax Adjustment.** Reviews the budgets of all governmental units within the county. May revise and modify budgets downward but not upward.
- **DeKalb County Election Board.** Generally responsible for elections.
- **DeKalb County Department of Public Welfare.** A major department which is administered by a five member board. Responsible for administering various county, state, and federal relief programs; investigation of neglected or delinquent children; investigation of proposed adoptive parents; and numerous other functions.
- **DeKalb County Health Department.** Keeps birth and death records,
enforces state health laws, issues permits for rural septic systems and other health functions.
- **DeKalb County Commission of Public Records.** Determines where public records should be filed and when they may be destroyed.
- **DeKalb County Alcoholic Beverage Board.** Reviews and passes upon all applications for licenses to sell alcoholic beverages at retail within DeKalb County.
- **DeKalb County Plan Commission.** Administers DeKalb County zoning ordinances, approves subdivisions, and plans for future development.
- **DeKalb Board of Zoning Appeals.** Hears and determines appeals or any order, requirement, or decision made in connection with the DeKalb County zoning ordinances and is authorized to grant variances.
- **DeKalb County Department of Aviation.** Operates DeKalb County Airport.
- **DeKalb County Drainage Board.** Responsible for construction and maintenance of public drains and assessments against affected property owners.
- **DeKalb County Redevelopment Commission.** Administers redevelopment projects and tax increment financing (TIF) areas.
- **DeKalb County Redevelopment Authority.** Administers redevelopment project leases.
- **DeKalb County Hospital Authority.** Administers hospital funding and financing.
- **DeKalb County Soil & Water Conservation District.** Provides planning and encourages the conservation of soil and water.
- **Northeastern Indiana Solid Waste Management District.** (with Steuben, Noble and LaGrange Counties). Administers methods and site for disposal of solid waste.

12. DEKALB COUNTY JUDICIAL SYSTEM

A. DeKalb Circuit Court



Kirk D. Carpenter
Judge, DeKalb Circuit Court
(Judy Pepple Photograph)

DeKalb County constitutes the 75th Judicial Circuit of the State of Indiana. The DeKalb Circuit Court has general jurisdiction including juvenile and probate. Its judge is elected for a six-year term and may be re-elected for any number of years.

The DeKalb Circuit Court appoints many officials to boards and agencies. It also appoints its own bailiff, reporter, and other staff members.

The jurisdiction is unlimited. Appeals from the Circuit Court can be taken to the Indiana Court of Appeals and from there to the Indiana Supreme Court. Cases involving certain areas of law can be appealed to the United States Supreme Court.

Originally, the Circuit Court was served by a president judge and two associate judges. The president judge was usually an attorney and served the entire circuit, which was composed of several counties. The associate judges

served only DeKalb County and were usually non-lawyers. There was also a separate Probate Court until 1852.

This system was modified by the Indiana Constitution of 1852, whereby the associate judges were eliminated and a Court of Common Pleas was established with its own judge. The Court of Common Pleas was abolished in 1874.

B. DeKalb Superior Court

Kevin P. Wallace (D)
Judge, DeKalb Superior Court
(Judy Pepple Photograph)

The DeKalb Superior Court was established July 1, 1977. It replaced the DeKalb County Court which had been established January 1, 1976. It has co-extensive jurisdiction with the DeKalb Circuit Court, except as to probate and juvenile jurisdiction which is reserved exclusively to the Circuit Court. The Superior Court also has a Small Claims Court and a Traffic Violation Bureau.

C. DeKalb County Jury Commissioners

The DeKalb County Jury Commissioners annually select a number of qualified persons to serve as grand and petit jurors. Petit jurors serve as trial jurors in civil and criminal cases tried in the Circuit and Superior Courts.

D. DeKalb County Grand Jury

The grand jury is selected by drawing names submitted by the jury commissioners. Grand juries are charged with the duties of inquiring into:

- All cases of persons imprisoned and not indicted.
- All cases of persons out on bail and not indicted.
- All cases of misconduct of public officers.
- Condition and management of jails and infirmaries.
- Violation of criminal laws of the state.

A grand jury functions independently of any other governmental unit or office.

E. DeKalb County Public Defender

A separate office of public defender was established in 1983. The public defender is appointed by the Circuit and Superior Court Judges to represent criminal and juvenile defendants who are indigent.

F. DeKalb County Probation Department

A separate probation department was established in 1982. The department is charged with the responsibility of overseeing those persons placed on probation by the criminal justice system.

13. Bibliography

The author has used many sources in compiling this volume. Primary sources include records located within the courthouse including commissioners' minutes, election records, court records and real estate records. Printed sources include, in order of publication:

Pioneer Sketches of DeKalb County (1859) (Reprinted 1968)
Atlas of DeKalb County (1880) (Reprinted 1986)
History of DeKalb County (1885) (Reprinted 1978)
Dedication Program for DeKalb County Courthouse (1914)
History of DeKalb County (1914) (Reprinted 1991)
History of Northeast Indiana (1920) (Reprinted 1980)
Sesquicentennial History of DeKalb County (1987)

Most of these publications are available at any DeKalb County Library,. The Sesquicentennial History of DeKalb County (1987) is still available for purchase at the National Automotive and Truck Museum of the United States, Inc. (NATMUS), Auburn, Indiana.

Various issues and clippings from the Auburn Courier and The Evening Star newspapers have also been used. Many of the illustrations are from postcards in the John Martin Smith Collection of State and Local History.

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Index by: Roselyn Wells

Official Seal as described in the early minutes of the DeKalb County Commissioners. The 1825 date refers to the earliest settlement of the county. (John Martin Smith Collection)

NOTICE!
SPITTING
THROWING QUIDS of TOBACCO
CIGAR OR CIGARETTE STUBS
Upon the Floors or in the Corridors of This Building
IS STRICTLY FORBIDDEN
To Do so May Spread Disease, and is PUNISHABLE by a FINE of NOT LESS THAN $5.00
By Order SECY COUNTY BOARD OF HEALTH

"NOTICE" sign hung in courthouse for many years. (Judy Pepple Photograph)

Rotunda and dome. (Marsh Davis Photograph)

Art glass panels in the ceiling of the DeKalb Circuit Court Room. (Marsh Davis Photograph)

The dome is backlit by skylights (Craig Berndt Photograph)

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